

# ***Council Meeting*** – *Agenda*

## ***CITY COUNCIL CALENDAR***

***Tuesday, November 20, 2007 - 7:00 p.m.***

**View Consent Agenda**

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***OPENING OF SESSION BY: CITY COUNCIL PRESIDENT DAVID ALVES***

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***PRAYER LED BY: REVEREND PHILIP N. HAMEL, PASTOR  
ST. JOSEPH-ST. THERESE CHURCH***

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***PLEDGE OF ALLEGIANCE***

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### ***RESOLUTIONS***

1. RESOLUTION, Council President Alves, honoring JAMES R. (JIM) LEAL, CORPORAL, U.S. ARMY, KOREAN WAR VETERAN AND BRONZE STAR WITH VALOR RECIPIENT, on being named the 2007 VETERAN OF THE YEAR by Southcoast Veterans Groups and the Veterans Transition House.
2. RESOLUTION, Councillor Coelho, honoring MANUEL CALADO, in recognition of his services and duties to the Portuguese Community and his long, distinguished career in journalism and broadcasting.

### ***HEARINGS***

3. PETITION, NSTAR Electric, for location of two (2) 4" Conduits and one (1) FE-2A Handhole in ACUSHNET AVENUE, South of Ohio Street.
  - 3a. AN ORDER,
  - 3b. COMMUNICATION, David DeTerra, Chief Wire Inspector, responding to communication from Donna Rosa, Right-of-Way Representative of NSTAR Electric Company, giving permission to NSTAR Electric to start the work at 2237 ACUSHNET AVENUE due to emergency conditions.

### ***MAYOR'S PAPERS***

- M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER that \$5,000,000.00 be APPROPRIATED for the purpose of department equipment; that to meet this Appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow \$5,000,000.00 under Chapter 44 of the General Laws or any other enabling authority; that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the Bonds, and to provide such information and execute such documents as the Board may require for these purposes.
- M1a. AN ORDER,

### ***NEW BUSINESS***

4. REPORT, Committee on Appointments and Briefings, recommending that the City Council GRANT the DEMOLITION of 144 WATER STREET.

5. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE the APPOINTMENT of HERSHEL ALPERT of 35 Meriam Street, New Bedford, MA 02740 to the AIRPORT COMMISSION, replacing James D. Oliveira who resigned June 2007; this term will expire December 2007.
6. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE the APPOINTMENT of DEREK SANTOS, 334 Union Street, New Bedford, MA 02740 to the HISTORICAL COMMISSION, replacing Joan Beaubian, who resigned September 2007; this term will expire February 2010.
7. REPORT, Committee on Appointments and Briefings, recommending that the City Council APPROVE the APPOINTMENT of JENNIFER W. GONSALVES, 46 Pearl Street, New Bedford, MA 02740 to the PLANNING BOARD, replacing Derek Santos, whose term expired October 2007; this term will expire October 2007.
8. REPORT, Committee on City Property, recommending that the City Council GRANT the Bettencourt Parcel, Plot 125, Lot 71, North side of New Plainville Road, to the Conservation Commission for conservation land.
- 8a. CITY COUNCIL ORDER, ORDERED, that the City Solicitor prepare the necessary paperwork to execute the transfer of the following wetlands property (also referred to as the Bettencourt Parcel) acquired as Tax Possession: North Side of New Plainville Road, Plot 125/Lot 71, Area of 381,843 square feet – approx. 8.8 acres - (Former Owner: Manuel J. Bettencourt, Jr.) to the Stewardship of the Conservation Commission for conservation land/City Open Space so that the parcel of land can continue as a significant natural resource for the City of New Bedford.
9. AN ORDINANCE, Amending Section 17-19 RELATIVE TO PROHIBITED SALE OF ITEMS. (Passed to a Second Reading October 25, 2007; to be Passed, to be Ordained.)
10. WRITTEN MOTION, Councillor Coelho, requesting that the Department of Public Facilities install appropriate lighting at the Buttonwood Park Warming House Parking Lot due to the many complaints made by voters on November 06; and further, this should be done without delay as someone was nearly run over on Election Day due to lack of lighting.
11. WRITTEN MOTION, Councillor Pina, requesting that the School Department be asked to provide lights at the Carney Academy Athletic Fields, so that the children can continue to use the field for football practice; and further, some lights need to be repaired, however, those are used primarily at the basketball court.
12. WRITTEN MOTION, Council President Alves, requesting that the Park Department consider POSTING at each skateboard facility in the City, a notice reading "USE AT YOUR OWN RISK," as is done in other communities; and further, that anyone using the City's skateboard parks be required to wear safety equipment, including a helmet and other protection, not only to reduce injuries, but to reduce liability to the City of New Bedford as well. (To be Referred to the Park Department and Park Board.)
13. WRITTEN MOTION, Council President Alves, asking that the City Council Special Committee on Gaming/Casinos to encourage and ensure that Any and All developers expressing an interest in **developing/operating a Casino in the City of New Bedford**, consider establishing a Reward Program for players at the proposed local gaming facility in New Bedford, similar to that proposed by the Boston Suffolk Downs Gaming Facility, which encourages a co-operative relationship with their local Boston Restaurants, Hotels, and Commercial Facilities, to allow and encourage the redemption of any earned "player points" to be used in local New Bedford Restaurants, Hotels, and Commercial Facilities as

**a way to spread the economic impact and support the local economy,** which are of major concern to the local business community. (To be Referred to the Special Committee on Gaming/Casinos.)

14. WRITTEN MOTION, Council President Alves, requesting, on behalf of Joe Jesus, that the following street(s) be CLOSED: PURCHASE STREET, between Spring Street and William Street, at 2:00 P.M.; UNION STREET, between Acushnet Avenue and Pleasant Street, at 4:00 P.M., on NOVEMBER 30, 2007, and continuing the closing of said locations from 5:00 P.M. to 8:00 P.M., for the purpose of DOWNTOWN CAROLING NIGHT.

15. WRITTEN MOTION, Council President Alves, on behalf of the residents in the neighborhood of Delano Street and Acushnet Avenue, that the Department of Public Infrastructure address the poor drainage and excessive pooling of stagnate and filthy water at the Southwest Corner of Delano Street and Acushnet Avenue; this large area of stagnate and pooling water causes problems to the neighbors in that, in the summer, it creates an odor, attracts mosquitoes and is a health problem to the children playing and residents in the area, and, in the winter, the large pool of water freezes and creates an area of ice that covers a large portion of the intersection and presents a danger to the vehicular traffic and pedestrians at the intersection; and further, since this is not the first time this Councillor has made the request on behalf of the residents, it is anticipated that the endorsement and support of the full City Council will move the department to recognize the urgency of the request due to the possible danger to the public-at-large as well as the potential liability it presents to the City of New Bedford.

16. WRITTEN MOTION, Council President Alves, at the request of the residents of the Whalers Place Apartment Complex and Whaler's Cove Assisted Living Facility on Riverside Avenue, asking the City Council send a letter to request the local Southeastern Regional Transit Authority (SRTA) and Union Street Railway Bus Company to re-route the bus service in the North End of New Bedford to provide public transportation to the residents of the said facilities. (To be Referred to SRTA and Union Street Railway Bus Company.)

17. WRITTEN MOTION, Councillor Pina, requesting that representatives from the School Department and the Administration be invited to appear before the Committee on Appointments and Briefings to discuss possible methods of assisting the Greater New Bedford Youth Football League.

18. COMMUNICATIONS, Councillor DeMedeiros, to City Clerk, with copies to: All Members of the City Council, Mayor and Media, submitting Official Notification of Resignation from the Office of City Councillor of Ward Three, effective at the conclusion of current term, and requesting that the Elections Commission be notified of said resignation, so necessary steps can be taken to fill the vacancy that will occur in the 2008-2009 term; also submitting Press Release regarding same, titled: "Statement of Ward Three City Councillor Joe F. DeMedeiros, regarding his resignation from the New Bedford City Council." (Copies of both also sent via email and FAX 11/13/07.)

19. COMMUNICATION, JAMES A. RYAN, COORDINATOR - NEW BEDFORD HALF-MARATHON, to City Council/City Clerk, requesting THE CLOSING/OBSTRUCTION OF WILLIAM STREET, at Sixth Street, MIDDLE STREET, at Sixth Street, MARKET STREET, at Sixth Street, PLEASANT STREET, at Union Street, ELM STREET, at Acushnet Avenue, FROM: 8:00 A.M. TO: 3:30 P.M. ON SUNDAY, MARCH 16, 2008, FOR THE PURPOSE OF: THE 2008 NEW BEDFORD HALF-MARATHON (COMMENCING AT 11:00 A.M.), ALSO REQUESTING: that they be allowed to place cones on the centerline of HATHAWAY ROAD, from Mt. Pleasant Street West to Rockdale Avenue, creating two-way traffic on the WESTBOUND LANE; - that the Police close ROCKDALE AVENUE, from Hathaway Road South to Potter Street, for approximately 30 MINUTES, or until the runners have passed; - that two-way traffic on ROCKDALE AVENUE, South from Grape Street to Cove Road, be stopped, and cones be placed in the middle of ROCKDALE AVENUE and COVE ROAD, to create a lane for runners on the South Side; - that

the WEST LANE of WEST RODNEY FRENCH BOULEVARD and the EAST LANE of EAST RODNEY FRENCH BOULEVARD, be blocked to traffic, except at intersections where autos must cross - horses or cones will be placed at WEST RODNEY FRENCH BOULEVARD and Portland, Hudson, Seymour and Bayview Streets, Rodney French Boulevard and Brock Avenue and SOUTH-BOUND TRAFFIC at SEYMOUR STREET will be BLOCKED to prevent autos from entering the race course; - that WESTBOUND traffic on COVE ROAD be directed NORTH onto Orchard Street, detoured WEST on SWIFT STREET, again detoured SOUTH onto BOLTON STREET, to eventually cross ROCKDALE AVENUE and continue SOUTH; - that COUNTY STREET be closed to two-way traffic from COVE STREET, NORTH to Kempton Street; - that KEMPTON STREET be closed to all EASTERLY traffic, from County Street EAST to Pleasant Street, and cones be placed in the South corridor of the Octopus intersection, preventing traffic entrance to SIXTH STREET, and guiding runners to Pleasant Street; - that SIXTH STREET be closed to traffic at Kempton Street; and - that detour signs be installed directing EASTERLY traffic on KEMPTON STREET to detour NORTH on COUNTY STREET, then EAST on HILLMAN STREET, then SOUTH on PURCHASE STREET, allowing EASTERLY TRAFFIC access to the New Bedford/Fairhaven Bridge. (Submitted by City Council President Alves.)

20. COMMUNICATION, Councillor Koczera, to New Bedford Economic Development Council Executive Director Morrissey, re: Mr. Athanasios Solomos', owner of G & S Pizza, 2840 Acushnet Avenue, New Bedford, TIF application, requesting full consideration and strongly endorsing its approval. (Copy all Councillors 11/15/07.)

21. COMMUNICATION, City Auditor Peter Schmidt, to City Council, submitting an Annual Report for FY07, for the RECREATION REVOLVING FUND (3135).

21a. ANNUAL REPORT, Department of Community Services submitting ANNUAL REPORT for RECREATION REVOLVING FUND 3135 for FISCAL YEAR ENDING JUNE 30, 2007.

22. COMMUNICATIONS/FAX, Harbor Development Commission, to All Members of the City Council, forwarding PUBLIC ANNOUNCEMENT – Harbor Development Commission – New Dockage Rates, Effective December 10, 2007. (Received, Posted and Copy all Councillors 11/09/07.)

23. COMMUNICATION, Mayor Lang to City Councillors, informing of several family-oriented events to mark the start of the 2007 Holiday Season. (Copies provided to all Councillors 11/16/07.)

### ***TABLED BUSINESS***

**02/23/06** WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

**02/23/06** COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

**07/20/06** CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

**08/17/06** CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our Country in Operation Iraqi Freedom, from September 06, 2005, until July 06, 2006.

**08/17/06** RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY'S PASSPORT TO READING DAY IN NEW BEDFORD.

**08/17/06** RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

**01/25/07** WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

**02/08/07** HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

**02/08/07** AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

**05/24/07** CITATION, Councillors Alves and Pina, honoring P.A.C.E. (PEOPLE ACTING IN COMMUNITY ENDEAVORS,) in recognition of 25 YEARS OF SERVICE TO THE GREATER NEW BEDFORD AREA.